REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 3-13 are pending in the present application, Claims 1, 3, and 4 having been amended, Claims 5-13 having been added, and Claim 2 having been canceled. Support for new Claims 5-135 is found, for example, in original Claims 1-4 and in the specification at pages 19-20. Support for the amendment to Claims 1, 3, and 4 is found in original Claim 2. Thus, no new matter is added.

In the outstanding Office Action, Claim 2 was objected to; Claims 1, 3, and 4 were rejected under 35 U.S.C. §§102(b) and 102(e) as anticipated by Hibi (U.S. Patent No. 5,546,191); Claims 1, 3, and 4 were rejected under 35 U.S.C. §102(b) as anticipated by Chotoku et al. (U.S. Patent No. 6,728,473, hereinafter Chotoku); Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over Hibi in view of Takatori (U.S. Patent No. 6,252,629); and Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over Chotoku in view of Takatori.

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representative on December 19, 2005. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed.

Initially, Applicants note that Chotoku is not prior art under 35 U.S.C. §102(b). Chotoku issued as a patent on April 27, 2004. The filing date of the present Application is July 11, 2001. Thus, Chotoku was not published more than one year prior to the filing date.

Furthermore, Chotoku is not prior art under 102(e). 35 U.S.C. §102(e) states, in relevant part, "a patent granted on an application for patent ***by another*** filed in the United

States before the invention by the applicant for patent" (emphasis added). Applicants note that the inventive entity of Chotoku is Koichi Chotoku, Masashi Ohta, and Toshimichi Hamada. This is the same inventive entity of the present application. Thus, Chotoku is not prior art under 35 U.S.C. §102(e).

Furthermore, Chotoku is not prior art under 35 U.S.C. §102(a). Chotoku was not published before the filing date of the present application, which is July 11, 2001. However, Chotoku's Japanese priority document (P11-159172, publication number 2000-350124) would be prior art under 35 U.S.C. §102(a) as of its publication date of December 15, 2000, which is before filing date of the present application. To remove Chotoku's priority document P11-159172 (Japanese Patent Publication 2000-350124) as prior art, Applicants perfect their claim to their foreign priority date of July 13, 2000, which is before the publication date of December 15, 2000 for Japanese Patent Publication 2000-350124.

Therefore, to perfect priority and to overcome all the rejections based on Chotoku (and any future rejections based on Chotoku's foreign priority document P11-159172, which was published on December 15, 2000 as Japanese Patent Publication No. 2000-350124), attached is an English translation of the original Japanese priority application 2000-212203, filed on July 13, 2000, and a statement that the translation of the certified copy is accurate.

With respect to the objection to Claim 2, Claim 2 is amended to replace "&" with "and." Furthermore, Claims 1, 3, and 4 are similarly amended. Thus, Applicants respectfully submit that objection to the claims is overcome.

In a non-limiting embodiment of the claimed invention, it is possible to automatically change the type of a representative picture which has a great degree of importance in accordance with the genre or other relevant information of the program. As a result, a picture including a caption and the face of a person can be detected at a high priority in the case of a news program. In the case of a variety program, on the other hand, a picture with bright

colors can be detected at a high priority. If such pictures are not detected, a representative picture is selected between a picture at the beginning of the program upon completion of a commercial message and pictures detected at fixed intervals.[1]

With respect to the rejection of Claim 1 as anticipated by Hibi, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, "a detection means for detecting program-genre information related to a program being recorded; and a modification means for automatically modifying an algorithm for detecting a program-representative picture dependent on said detected program-genre information." Applicants respectfully submit that Hibi does not disclose or suggest all of these elements of amended Claim 1.

The outstanding Office Action states that Hibi fails to teach that the detecting means further detects information on a genre of a program being recorded.[2] Therefore, Hibi has no reason to disclose or suggest a modification means for automatically modifying an algorithm for detecting a program-representative picture dependent on said detected program-genre information.

Furthermore, Takatori does not cure the above-noted deficiencies in Hibi. Takatori does not disclose or suggest a modification means for automatically modifying an algorithm for detecting a program-representative picture dependent on said detected program-genre information.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and Claims 6 and 10) patentably distinguish over Hibi and Takatori, taken alone or in proper combination. In addition, Claims 3-5 are similar to Claim 1. Thus, Applicants respectfully submit that Claims 3-5 (and Claims 7-9 and 11-13) patentably distinguish over Hibi and Takatori, taken alone or in proper combination, for at least the reasons stated for Claim 1.

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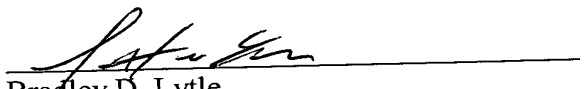
[1] Specification, page 19, lines 11-23.
[2] Office Action, page 4.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Joseph Wrkich
Registration No. 53,796

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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